

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUN 22 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANNON TIMOTHY WOODY,

Defendant.

CR 18-19-M-DLC

ORDER

Defendant Shannon Timothy Woody (“Woody”) moves to suppress evidence obtained from a substantially defective search warrant. (Doc. 18.) The search warrant was signed by Deputy Dodson on behalf of District Court Judge Matthew J. Cuffe, and contained no indication that Judge Cuffe had seen the warrant, authorized the warrant, or that the warrant contained any probable cause determination. (Doc. 19 at 7.) The defects in the warrant resulted in dismissal of Counts I, II, and III of the state court charges filed against Woody. (Docs. 19-2; 19-3; 19-4.)

Though the Government indicated that it opposed the motion at the time of the Defendant’s filing, the Government now concedes that the warrant is defective and therefore argues that the motion is moot because the Government states that it

will not introduce any evidence that was seized under the warrant. (Doc. 21 at 1–2.)

The Court appreciates the Government's concession on this point, but disagrees that the Government's concession renders the motion moot. The Government's stated intent is not a final determination as to the admissibility of the evidence indicated. This order is.

Accordingly, IT IS ORDERED that the Defendant's Motion to Suppress (Doc. 18) is GRANTED. The Government may not introduce any evidence obtained as a result of the search of the Defendant's residence and vehicle issued by the August 26th, 2017 search warrant, which includes a Hi-Point, Model C9, 9mm pistol and three homemade silencers.

DATED this 22nd day of June, 2018.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court